



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 343 of 2026

A.Sokkalingam
S/o.Arumugam,
Door No.62, Kombaipillai Street,
Periyakulam, Theni District.
Now confining at Central Prison, Coimbatore.

..Petitioner(s)

Vs

1. The State rep by its,
The Secretary to government,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George, Secretariat, Chennai – 600009.
2. The Commissioner of Police
Office of the Commissioner of Police,
Coimbatore City.
3. The Superintendent of Prison
Central Prison at Coimbatore.
4. The Inspector of Police,
All Women Police Station (East),
Coimbatore City.

..Respondent(s)

Petition file under Article 226 of the Constitution of India praying to issue a WRIT OF HABEAS CORPUS or any other appropriate writ, order or direction in the nature of writ calling for the records in Detention order in No.C.No.139/G/IS/2025 dated 20.08.2025 on the file of the 2nd respondent and SET ASIDE the same and direct the respondents herein to produce the



petitioner/detenu Mr.A.SOKKALINGAM, S/o.Arumugam, aged 42 years, now confined in Central Prison at Coimbatore before this Honble Court and set him at liberty.

For Petitioner(s): M.Mohamed Saifulla

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By Mr. M. Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

A.Sokkalingam, S/o. Arumugam, has been branded as ‘Sexual Offender’ under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Act) and detained at Central Prison, Coimbatore vide detention order 20.08.2025. He has filed this petition seeking a quash of the aforesaid order.

2. Mr.Mohamed Saifulla, who appears for the detenu assails the impugned order of detention on several grounds. The first ground relates to a delay in making a reference to the Advisory Board under Section 10 of the Act. Learned Additional Public Prosecutor really has no defence to this ground.

3. Learned counsel for petitioner would also point out that there is no justification in the subjective satisfaction of the detaining authority that the detenu would be enlarged on bail and has no material has been placed on record.

4. Having heard both learned counsel, we are of the considered view that



the petitioner must succeed. Though learned Additional Public Prosecutor has referred to the facts of the ground case that is a matter to be taken up and addressed in trial. Adverting to Section 10 of the Act, a reference is provided to the Advisory Board and the State government is to, within three weeks from date of detention, place before the Advisory Board the grounds on which the detention order has been passed and representation if any made by the person affected by the order.

5. In this case, the learned Additional Public Prosecutor accedes to the position (see para viii page, 12 and 13 of counter dated 2.3.2026) that the papers have been placed before the Board only on 23.09.2025, which is more than a month from order of detention, thus violating the time scheme under Section 10 of the Act. On this sole ground, the order of detention should go.

6. In addition, we find some merit in the argument that the subjective satisfaction of the detaining authority is vitiated. Such subjective satisfaction is based on the statement which is avowedly recorded from the relatives on the basis of which the authority concludes that there is every chance of the detenu being enlarged on bail. However, a copy of that statement furnished in the booklet does not contain either a signature or a date.

7. We have consistently been taking the view that if at all the statement of the relative is to be relied upon by an authority to support his inference that the detenu may be enlarged on bail, it is necessary that such a statement must be signed. In the absence of the same, the statement is liable to be eschewed and



we do so in the present case as well.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.139/G/IS/2025, dated 20.08.2025, is set aside.

9. The detenu, viz., A.Sokkalingam, S/o. Arumugam, aged 42 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
28-04-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

ssm

Note to Registry : Issue Today

To

1. The Secretary to Government,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George, Secretariat, Chennai – 600009.
2. The Commissioner of Police
Office of the Commissioner of Police,
Coimbatore City.
3. The Superintendent of Prison
Central Prison at Coimbatore.
4. The Inspector of Police,
All Women Police Station (East),
Coimbatore City.



5. The Public Prosecutor,
High Court of Madras.

6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

ssm

H.C.P.No. 343 of 2026

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